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10/785,340	02/24/2004	Andrew D. Bocking	0590	8776

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EXAMINER

HEFFINGTON, JOHN M

ART UNIT

PAPER NUMBER

2179

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/785,340

Applicant(s)

BOCKING, ANDREW D.

Examiner

JOHN M. HEFFINGTON

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the amended filing of 5 May 2008. Claims 7, 8 and 12 have been canceled. Claims 1-6, 9-11 and 13-18 are pending and have been considered below.

Response to Arguments

1. Applicant's arguments filed 13 November 2007 have been fully considered but they are not persuasive.

The applicant argues that Hellebust et al. (US 2005/0248437 A1) and Wagner et al. (US 2004/0259598 A1) do not disclose, either individually or in combination (i) a first indicator including a count to indicate the number of unread electronic messages received; and (ii) altering the first indicator to provide a second indicator that provides a visually distinguishable annunciation by altering the first indicator that new unread electronic messages have been received since the unread electronic messages received were last scanned without reading. The examiner respectfully disagrees.

The MPEP states the following regarding 35 U.S.C. 103 rejections in paragraph 706.02(j) [R-6] Contents of a 35 U.S.C. 103 Rejection:

To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention

or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

With respect to limitation (i) above, Hellebust discloses "The display of the wireless device may also be updated to reflect that a new message has arrived such as by the display of standard or use defined icons or sounds, the display of summarized message counts by type, ..." (paragraph 0011) Since new messages will also be unread messages, Hellebust, therefore, discloses an indicator including a count to indicate the number of unread electronic messages. Hellebust explicit discloses limitation (i) listed above.

The examiner acknowledges that neither Hellebust nor Wagner disclose limitation (ii) above. As indicated by the recitation from the MPEP above, the examiner does not have to demonstrate that the subject limitation in the claims is explicitly disclosed in the art. The MPEP allows the examiner to make use a convincing line of reasoning to argue that a given limitation in the claims would have been obvious given a single reference or a combination of references.

Hellebust discloses:

- a. The present invention is directed to a system for **displaying, organizing, and prioritizing the incoming information** on a wireless device. Using the present

invention the wireless device can **display the number of voice mails, e-mails,** pages, and internet information alerts that have been received by the wireless device during a specified time period (abstract),

- b. The invention also allows the incoming information to be separated by any number of use-specified criteria (abstract),
- c. The present invention allows the wireless device user to **see at a glance what kind of information has been received** and is being stored on the wireless device (abstract),
- d. The **display** of the wireless device may also be **updated** to reflect that a **new message has arrived** such as by the display of standard or use defined icons or sounds, the display of summarized **message counts by type**, ... (paragraph 0011),
- e. The **display** of the wireless device can be **updated** to inform the user of the results of the **classification**, organization, and prioritization steps in a variety of ways. The **display** of the wireless device could show the **number of messages under each of the categories defined by the rule sets**. Alternatively, the display could organize the messages by priority level, time received, or **any other externally defined or user-defined item of classification information** (paragraph 0017).

Wagner discloses:

- a. a context based **mobile device display** (abstract)

- b. an icon can be altered to indicate new information or to show the count of unread messages (paragraph 0040, figures 3 and 4),
- c. utilizing a highly attention attracting display, such as a colorful animated display to attract the notice of a user (paragraph 0050),
- d. using large and small icons to distinguish different icons (paragraphs 0013, 0037)
- e. an envelop icon representing e-mail messages with a number 2 in a circle on the envelop and the line "4 Messages" and "2 Urgent" under the envelop icon (figure 3).

It is clear that both Hellebust and Wagner display an indicator representing new, and therefore, unread, received messages. An objective of Hellebust is to organize and prioritize, according to a set of rules, incoming information, such as e-mails, on a wireless device. Hellebust also creates categories of messages and displaying the counts of messages in each category. Further, Hellebust discloses gathering at a glance what kind of information has been received.

Wagner discloses altering an icon to indicate the could of new unread messages, and further disclosing methods of drawing attention to various areas of the screen, including modifying icons with distinguishing features such as size. Further, Wagner discloses displaying icons that distinguish between total messages and new unread messages received. It would be reasonable to conclude that in Wagner a user selecting the envelop icon would instantiate an e-mail tool, as in known in the art. At this point, as

with many email tools and as is commonly known in the art, the email tool would display a list of emails received.

It is the features of Wagner listed above that the examiner proposes combining with Hellebust. Hellebust provides the motivation, i.e. organizing and prioritizing messages, providing the ability to see at a glance the information received, indicating the count of new messages received and indicating the count of messages in various categories for using the icons disclosed in Wagner. To further understand, one must ask the question, "would it have been an obvious improvement to Hellebust to be able to create a category of messages called 'new since last glance (scan)'?" The examiner can imagine numerous scenarios wherein this feature would be useful in Hellebust, for example, a user sees new messages received and opens the mail tool as is well known in the art and glances at the senders of the new messages. The user does not see any new messages that demand immediate attention and closes the e-mail tool. When new messages are received, the user will want to distinguish the new messages received since last scan from new unopened messages received before the last scan to see if any received messages are from a particular sender. Therefore, the examiner sees ample motivation to add the feature of creating a category of new messages received since last glance and indicating the number of these messages. The icons disclosed in Wagner could be combined with Hellebust for this purpose. The envelop icon in Wagner could represent messages in general, the numeral in the circle on the envelop could represent new unread messages received since the e-mail tool was last opened

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to glance at or scan the messages, and the line "4 Messages" could represent total messages.

Therefore, the examiner believes that the combination of Hellebust and Wagner is logical and obvious and that Hellebust presents the motivation to make the combination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-6, 9-11 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellebust et al. (US 2005/0248437 A1) in view of Wagner et al. (US 2004/0259598 A1).

Claim 1: Hellebust discloses a method of managing unread electronic messages comprising the steps of:

- a. providing, at a location on a visible display, a first indicator of the presence of unread electronic messages received (paragraph 0011)
- b. an indicator of the number of messages within a category defined by rule sets (paragraph 0017)
- c. enabling scanning of the unread electronic messages received without reading (abstract, [The present invention allows the wireless device user to see at a glance what kind of information has been received and is being stored on the wireless device."]),

but does not disclose

- a. said first indicator including a count to indicate the number of unread electronic messages
- b. altering said first indicator to provide a second indicator at, or proximate to, the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new unread electronic messages have been

received since the unread electronic messages received were last scanned without reading,

- c. wherein the second indicator is provided in place of, or proximate to, the first indicator, and
- d. altering said first indicator is selected from the group consisting of altering an icon of said first indicator, adding indicia to said first indicator, adding an additional count to said first indicator, and combinations thereof.

However, Hellebust discloses

- a. that "the display of the wireless device may also be updated to reflect that a new message has arrived as by the display of standard or user-defined icons or sounds, ...", the display can be updated to reflect message counts by type and and alerting the user to the arrival of a new message with display of part of the contents of a message (paragraph 0011), and
- b. organizing the messages on the display by time received (paragraph 0017).

Wagner discloses

- a. that an icon can be altered to indicate new information or to show the count of unread messages (paragraph 0040, figures 3 and 4), and
- b. utilizing a highly attention attracting display, such as a colorful animated display to attract the notice of a user (paragraph 0050),
- c. using large and small icons to distinguish different icons (paragraphs 0013, 0037)

In addition, new messages are by their nature of being new have not yet been viewed or scanned.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add said first indicator including a count to indicate the number of unread electronic messages to Hellebust. One could have been motivated to add said first indicator including a count to indicate the number of unread electronic messages to Hellebust since Hellebust announces to the user that a new (unread) message has arrived and displays the number of messages under each category. Though Hellebust does not specifically enumerate new (unread) messages as a category, it is clear that new (unread) messages are, in fact, a category under Hellebust.

It would have been obvious to one having ordinary skill in the art at the time of the invention to add indicating that new unread electronic messages have been received since the unread electronic messages received were last scanned without reading to Hellebust. One could have been motivated to add indicator that new unread electronic messages have been received since the unread electronic messages received were last scanned without reading to Hellebust since Hellebust discloses that user can see at a glance, i.e. not reading, what kind of information has been received. It would be useful in Hellebust to indicate to the user which messages have been received since the last glance (scan).

It would have been obvious to one having ordinary skill in the art at the time of the invention to add

- a. altering said first indicator to provide a second indicator at, or proximate to, the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new unread electronic messages have been received since the unread electronic messages received were last scanned without reading,
- b. wherein the second indicator is provided in place of, or proximate to, the first indicator, and
- c. altering said first indicator is selected from the group consisting of altering an icon of said first indicator, adding indicia to said first indicator, adding an additional count to said first indicator, and combinations thereof.

One could have been motivated to add

- a. altering said first indicator to provide a second indicator at, or proximate to, the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new unread electronic messages have been received since the unread electronic messages received were last scanned without reading,
- b. wherein the second indicator is provided in place of, or proximate to, the first indicator, and

- c. altering said first indicator is selected from the group consisting of altering an icon of said first indicator, adding indicia to said first indicator, adding an additional count to said first indicator, and combinations thereof

to Hellebust since Hellebust clearly discloses that icons and/or indicia are used to indicate message status on the display. For example, icons or some such symbols must be used to represent received messages as well as messages in the disclosed categories. In addition, some kind of indicia must be used to denote the number of messages in a category. In the art, an icon is altered by changing the image of the icon or by adding or subtracting indicia associated with the icon, thereby creating a second icon. Wagner simply discloses an icon and associated indicia well known in the art for indicating electronic messages, specifically email messages, and various counts associated with the messages, for example, number of new messages and total messages.

Claim 2: Hellebust and Wagner discloses the method of claim 1 and Hellebust further discloses the step of providing said first indicator of the presence of unread electronic messages received comprises providing the visual display indicating the presence of unread electronic messages received (paragraph 0011).

Claim 3: Hellebust and Wagner discloses the method of claim 2 and Wagner further discloses the step of altering said first indicator to provide a second indicator that

provides an annunciation that some of the unread electronic messages received are new electronic messages that have been received comprises altering the visual display (paragraph 0040, paragraphs 3 and 4). Further, Hellebust discloses "the display of the wireless device may also be updated..." (paragraph 0011). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add altering said first indicator to provide a second indicator that provides an annunciation that some of the unread electronic messages received are new electronic messages that have been received comprises altering the visual display to Hellebust. One could have been motivated to add altering said first indicator to provide a second indicator that provides an annunciation that some of the unread electronic messages received are new electronic messages that have been received comprises altering the visual display to Hellebust because it is a common way to notify a user by providing a visual cue on a display.

Claim 4: Hellebust discloses a method of managing unread electronic messages comprising the steps of:

- a. providing, at a location on a visible display, a first indicator of the presence of unread electronic messages received (paragraph 0011)
- b. an indicator of the number of messages within a category defined by rule sets (paragraph 0017)
- c. enabling scanning of the unread electronic messages received without reading (abstract, [The present invention allows the wireless device user to see at a

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glance what kind of information has been received and is being stored on the wireless device.")),

- d. the step of generating an indicator of new received messages involves altering the visual display (paragraph 0011),

but does not disclose

- a. said first indicator including a count to indicate the number of unread electronic messages
- b. altering said first indicator to provide a second indicator at, or proximate to, the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new unread electronic messages have been received since the unread electronic messages received were last scanned without reading,
- c. wherein the second indicator is provided in place of, or proximate to, the first indicator, and
- d. altering said first indicator is selected from the group consisting of altering an icon of said first indicator, adding indicia to said first indicator, adding an additional count to said first indicator, and combinations thereof.

However, Hellebust discloses

- a. that "the display of the wireless device may also be updated to reflect that a new message has arrived as by the display of standard or user-defined icons or

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sounds, ...", the display can be updated to reflect message counts by type and alerting the user to the arrival of a new message with display of part of the contents of a message (paragraph 0011), and

- b. organizing the messages on the display by time received (paragraph 0017).

Wagner discloses

- a. that an icon can be altered to indicate new information or to show the count of unread messages (paragraph 0040, figures 3 and 4), and
- b. utilizing a highly attention attracting display, such as a colorful animated display to attract the notice of a user (paragraph 0050),
- c. using large and small icons to distinguish different icons (paragraphs 0013, 0037)

In addition, new messages are by their nature of being new have not yet been viewed or scanned.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add

- a. a first indicator indicating the presence of a number of unread electronic messages received, the first indicator including a count to indicate the number of unread electronic messages received
- b. providing the visual display indicating the presence of unread electronic messages received comprises providing an icon indicating the presence of

unread electronic messages received and altering the visual display comprises altering the icon to indicate the presence of new electronic messages received

to Hellebust. One could have been motivated to add

- a. a first indicator indicating the presence of a number of unread electronic messages received, the first indicator including a count to indicate the number of unread electronic messages received
- b. providing the visual display indicating the presence of unread electronic messages received comprises providing an icon indicating the presence of unread electronic messages received and altering the visual display comprises altering the icon to indicate the presence of new electronic messages received

to Hellebust since Hellebust announces to the user that a new (unread) message has arrived and displays the number of messages under each category. Icons are well known in the art for indicating information on a display. Though Hellebust does not specifically enumerate new (unread) messages as a category, it is clear that new (unread) messages are, in fact, a category under Hellebust.

It would have been obvious to one having ordinary skill in the art at the time of the invention to add indicating that new unread electronic messages have been received since the unread electronic messages received were last scanned without reading to Hellebust. One could have been motivated to add indicator that new unread electronic

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messages have been received since the unread electronic messages received were last scanned without reading to Hellebust since Hellebust discloses that user can see at a glance, i.e. not reading, what kind of information has been received. It would be useful in Hellebust to indicate to the user which messages have been received since the last glance (scan).

It would have been obvious to one having ordinary skill in the art at the time of the invention to add

- a. generating a second indicator at, or proximate to, the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new electronic messages have been received since the unread electronic messages received were last scanned without reading;
- b. the step of generating said second indicator that new electronic messages have been received comprises altering the visual display;
- c. the second indicator is provided in place of, or proximate to, the first indicator;

to Hellebust. One could have been motivated to add

- a. generating a second indicator at, or proximate to, the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new electronic messages have been received since the unread electronic messages received were last scanned without reading;

- b. the step of generating said second indicator that new electronic messages have been received comprises altering the visual display;
- c. the second indicator is provided in place of, or proximate to, the first indicator;

to Hellebust since Hellebust clearly discloses that icons and/or indicia are used to indicate message status on the display. For example, icons or some such symbols must be used to represent received messages as well as messages in the disclosed categories. In addition, some kind of indicia must be used to denote the number of messages in a category. In the art, an icon is altered by changing the image of the icon or by adding or subtracting indicia associated with the icon, thereby creating a second icon. Wagner simply discloses an icon and associated indicia well known in the art for indicating electronic messages, specifically email messages, and various counts associated with the messages, for example, number of new messages and total messages.

Claim 5: Hellebust and Wagner disclose the method of claim 4 and Wagner further discloses altering the icon comprises at least one selected from the group comprising: flashing, bolding, changing the size, and changing the color of the icon (paragraphs 0013 and 37). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add altering the icon comprises at least one selected from the group comprising: flashing, bolding, changing the size, and changing the color of the icon to Hellebust and Wagner. One could have been motivated to add altering

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the icon comprises at least one selected from the group comprising: flashing, bolding, changing the size, and changing the color of the icon to Hellebust and Wagoner because altering an icon by flashing, bolding, changing the size, and changing the color is common in the art.

Claim 6: Hellebust and Wagner disclose the method of claim 4 and Wagner discloses that an icon can be altered to indicate new information or to show the count of unread messages (paragraph 0040, figures 3 and 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add altering the visual display comprises adding indicia to said first indicator to Hellebust. One could have been motivated to add altering the visual display comprises adding indicia to said first indicator to Hellebust because it is a common method for altering an indicator to adding indicia to the indicator.

Claim 7: canceled.

Claim 8: canceled.

Claim 9: Hellebust and Wagner disclose the method of claim 4 and Wagner further discloses

- a. the step of providing a visual display comprises providing an unread mail icon indicating the presence of unread electronic messages along with the count of unread electronic messages (paragraph 0040, figure 3), and
- b. altering the display to indicate the presence of new unread electronic messages received comprises altering at least one of the unread mail icon and the count (paragraph 0040, figure 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add

- a. the step of providing a visual display comprises providing an unread mail icon indicating the presence of unread electronic messages along with the count of unread electronic messages, and
- b. altering the display to indicate the presence of new unread electronic messages received comprises altering at least one of the unread mail icon and the count

to Hellebust and Wagner. One could have been motivated to add

- a. the step of providing a visual display comprises providing an unread mail icon indicating the presence of unread electronic messages along with the count of unread electronic messages, and
- b. altering the display to indicate the presence of new unread electronic messages received comprises altering at least one of the unread mail icon and the count

to Hellebust because a mail icon could distinguish email messages from other electronic messages. Hellebust discloses count of messages with in a category.

Claim 10: Hellebust and Wagner disclose the method of claim 9, but do not disclose altering the display comprises adding to the visual display a second count of the new unread electronic messages received since the last scan. However, Hellebust discloses that "the display of the wireless device could show the number of messages under each of the categories..." (paragraph 0017) and Wagner discloses two counts, a total message count and a new message count (paragraph 0040, figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add altering the display comprises adding to the visual display a second count of the new unread electronic messages received since the last scan to Hellebust. One could have been motivated to add altering the display comprises adding to the visual display a second count of the new unread electronic messages received since the last scan to Hellebust because Hellebust discloses displaying a count for the number of messages for a category and a category could be new unread electronic messages received since the last scan.

Claim 11: Hellebust and discloses a system for managing electronic messages received, comprising:

- a. A display (paragraph 0011)

- b. a message list of electronic messages received with identification of those that are unread (paragraph 0002)
- c. a first indicator at a location on the display for indicating the presence of unread messages (paragraph 0011)

but does not disclose

- a. a first indicator at a location on the display for indicating the presence of a number of unread messages, the first indicator including a count to indicate the number of unread electronic messages,
- b. a second indicator at, or proximate, to the location on the display comprising an alteration to said first indicator which provides a visually distinguishable annunciation of the presence of new electronic messages received since the message list was last displayed without reading
- c. wherein the second indicator is provided in place of, or proximate to, the first indicator.

However, Hellebust discloses

- c. that "the display of the wireless device may also be updated to reflect that a new message has arrived as by the display of standard or user-defined icons or sounds, ...", the display can be updated to reflect message counts by type and and alerting the user to the arrival of a new message with display of part of the contents of a message (paragraph 0011), and

- d. organizing the messages on the display by time received (paragraph 0017).

Wagner discloses

- d. that an icon can be altered to indicate new information or to show the count of unread messages (paragraph 0040, figures 3 and 4), and
- e. utilizing a highly attention attracting display, such as a colorful animated display to attract the notice of a user (paragraph 0050),
- f. using large and small icons to distinguish different icons (paragraphs 0013, 0037)

In addition, new messages are by their nature of being new have not yet been viewed or scanned.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add a first indicator indicating the presence of a number of unread electronic messages received, the first indicator including a count to indicate the number of unread electronic messages received to Hellebust. One could have been motivated to add a first indicator indicating the presence of a number of unread electronic messages received, the first indicator including a count to indicate the number of unread electronic messages received to Hellebust since Hellebust announces to the user that a new (unread) message has arrived and displays the number of messages under each category. Icons are well known in the art for indicating information on a display. Though Hellebust does not specifically enumerate new

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(unread) messages as a category, it is clear that new (unread) messages are, in fact, a category under Hellebust.

It would have been obvious to one having ordinary skill in the art at the time of the invention to add indicating that new unread electronic messages have been received since the unread electronic messages received were last scanned without reading to Hellebust. One could have been motivated to add indicator that new unread electronic messages have been received since the unread electronic messages received were last scanned without reading to Hellebust since Hellebust discloses that user can see at a glance, i.e. not reading, what kind of information has been received. It would be useful in Hellebust to indicate to the user which messages have been received since the last glance (scan).

It would have been obvious to one having ordinary skill in the art at the time of the invention to add

- a. a second indicator at, or proximate to, the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new electronic messages have been received since the unread electronic messages received were last scanned without reading;
- b. the second indicator is provided in place of, or proximate to, the first indicator;

to Hellebust. One could have been motivated to add

- a. a second indicator at, or proximate to, the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new electronic messages have been received since the unread electronic messages received were last scanned without reading;
- b. the second indicator is provided in place of, or proximate to, the first indicator;

to Hellebust since Hellebust clearly discloses that icons and/or indicia are used to indicate message status on the display. For example, icons or some such symbols must be used to represent received messages as well as messages in the disclosed categories. In addition, some kind of indicia must be used to denote the number of messages in a category. In the art, an icon is altered by changing the image of the icon or by adding or subtracting indicia associated with the icon, thereby creating a second icon. Wagner simply discloses an icon and associated indicia well known in the art for indicating electronic messages, specifically email messages, and various counts associated with the messages, for example, number of new messages and total messages.

Claim 12: canceled.

Claim 13: Hellebust and Wagner disclose the system wherein the first indicator means comprises a count of unread electronic messages displayed on the display in addition to the annunciation of the presence of new unread electronic messages received as in

claim 11 above and Wagner discloses that an icon can be altered to indicate new information or to show the count of unread messages (paragraph 0040, figures 3 and 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Hellebust and Wagner to alter the count of unread electronic messages received. One would have been motivated to alter the count of unread electronic messages received in order to indicate the count of new messages received.

Claim 14: Hellebust and Wagner disclose a system wherein the annunciation of the presence of new unread electronic messages received comprises an alteration to the count of unread electronic messages received as in claim 13 above and Wagner further discloses a system wherein the alteration to the count comprises at least one of: bolding the count, flashing the count, changing the size of the count and changing the color of the count (paragraph 0013, 0037). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Hellebust and Wagner to alter the count by at least one of: bolding the count, flashing the count, changing the size of the count and changing the color of the count. One would have been motivated to alter the count by at least one of: bolding the count, flashing the count, changing the size of the count and changing the color of the count to make the count indication more readily apparent.

Claim 15: Hellebust and Wagner disclose a system wherein the alteration to the count comprises at least one of: bolding the count, flashing the count, changing the size of the

count and changing the color of the count as in claim 11 above and Wagoner further discloses wherein the second indicator comprises additional indicia on the display (paragraph 0040, figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time to add second indicator comprises additional indicia on the display to Hellebust and Wagner. One could have been motivated to add second indicator comprises additional indicia on the display to Hellebust and Wagner since Hellebust clearly discloses that icons and/or indicia are used to indicate message status on the display. For example, icons or some such symbols must be used to represent received messages as well as messages in the disclosed categories. In addition, some kind of indicia must be used to denote the number of messages in a category. In the art, an icon is altered by changing the image of the icon or by adding or subtracting indicia associated with the icon, thereby creating a second icon. Wagner simply discloses an icon and associated indicia well known in the art for indicating electronic messages, specifically email messages, and various counts associated with the messages, for example, number of new messages and total messages.

Claim 16: Hellebust and Wagner disclose a system wherein the first indicator comprises a count of unread electronic messages displayed on the display in addition to the annunciation of the presence of new unread electronic messages received as in claim 11 above, and Hellebust further discloses a system wherein the annunciation of the presence of new unread electronic messages received since the message list was last displayed comprises means altering the message icon but do not disclose (paragraph

0013) as in claim 12 above and Wagner discloses a message icon on the display adjacent the count of unread electronic messages received (figure 3). Therefore, it would be obvious to one having ordinary skill in the art at the time of the invention to add a message icon on the display adjacent the count of unread electronic messages to Hellebust and Wagner. One would have been motivated to add a message icon on the display adjacent the count of unread electronic messages to Hellebust and Wagner since Hellebust clearly discloses that icons and/or indicia are used to indicate message status on the display. For example, icons or some such symbols must be used to represent received messages as well as messages in the disclosed categories. In addition, some kind of indicia must be used to denote the number of messages in a category. In the art, an icon is altered by changing the image of the icon or by adding or subtracting indicia associated with the icon, thereby creating a second icon. Wagner simply discloses an icon and associated indicia well known in the art for indicating electronic messages, specifically email messages, and various counts associated with the messages, for example, number of new messages and total messages.

Claim 17 Hellebust and Wagner disclose a system wherein the annunciation of the presence of new unread electronic messages received since the message list was last displayed comprises means altering the message icon as in claim 16 above and Wagner further discloses a system providing alteration to the message icon comprises at least one of: bolding the icon, flashing the icon, changing the size of the icon and changing the color of the icon (paragraphs 0013 and 37). Therefore, it would have been

obvious to one having ordinary skill in the art at the time of the invention to add altering the icon comprises at least one selected from the group comprising: flashing, bolding, changing the size, and changing the color of the icon to Hellebust and Wagner. One could have been motivated to add altering the icon comprises at least one selected from the group comprising: flashing, bolding, changing the size, and changing the color of the icon to Hellebust and Wagoner because altering an icon by flashing, bolding, changing the size, and changing the color is common in the art.

Claim 18: Hellebust and Wagner disclose a system wherein the first indicator comprises a count of unread electronic messages displayed on the display in addition to the annunciation of the presence of new unread electronic messages received as in claim 11 above and Wagner further discloses a system wherein the second indicator further comprises a second count, which is the count of the new unread electronic messages received (paragraph 40, figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the second indicator further comprises a second count, which is the count of the new unread electronic messages received to Hellebust and Wagner. One could have been motivated to add the second indicator further comprises a second count, which is the count of the new unread electronic messages received to Hellebust and Wagner because Hellebust discloses displaying a count for the number of messages for a category and a category could be new unread electronic messages received since the last scan.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Heffington whose telephone number is (571) 270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH
8/14/08

/Ba Huynh/

Primary Examiner, Art Unit 2179